

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Crl.MC.No. 2510 of 2007()

CC.768/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
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PETITIONER: ACCUSED

DRUSILA FRANCIS, AGED 42 YEARS,
S/O P.K.FRANCIS, WHITE MANSION,
FATHIMA NAGAR, THRISSUR.

BY ADV. SRI.P.PAULCHAN ANTONY

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
VIYOOR POLICE STATION,
THRISSUR.
3. DEPUTY CHIEF ENGINEER(APTS)(HQ),
KSEB, VIGILANCE WING,
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM-4.
4. ASSISTANT ENGINEER,
ELECTRICAL SECTION, MULAMKUNNATHUKAVU,
THRISSUR.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2510 of 2007

Dated this the 6th day of August 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable under the Indian Electricity Act. Cognizance has been taken by the learned Magistrate on the basis of a final report submitted by the police after investigation.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor accepts the said contention and I am satisfied that in the light of the decision in Paramasivam v. Union of India [2007(2)KLT 733] cognizance taken by the learned Magistrate on the basis of the final report submitted by the police in the instant case is not justified and the same deserves to be quashed.

3. The learned counsel for the petitioner submits that even a private complaint by the authorised officer cannot be entertained in the light of the decision of the appellate authority. I need not consider that question in detail in this Criminal Miscellaneous Case. I am satisfied that applying the dictum in

Paramasivam v. Union of India [2007(2)KLT 733] the cognizance now taken by the learned Magistrate on the basis of the final report submitted by the police must be held to be not justified and not competent.

3. This Criminal Miscellaneous Case is accordingly allowed. C.C.No.768/2007 pending before the J.F.M.C-I, Thrissur is hereby quashed.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007